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5 Attorneys for Defendant  
6 ABBYY USA SOFTWARE HOUSE, INC.  
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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13  
14 ABBYY USA SOFTWARE HOUSE,  
INC.

15 Plaintiff,

16 vs.

17 NUANCE COMMUNICATIONS, INC.

18 Defendant.  
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Case No: CV 08-1035 MEJ

STIPULATION TO CONTINUE  
CASE MANAGEMENT  
CONFERENCE AND RESPONSE  
DATE



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2 ABBYY USA Software House, Inc. (“Abbyy USA”) and Nuance  
3 Communications, Inc. (“Nuance”) stipulate with respect to the following facts:

4 1. ABBYY USA Software House, Inc. (“Abbyy USA”) filed this action  
5 on February 20, 2008.

6 2. Defendant Nuance Communications, Inc. (“Nuance”) filed an action  
7 against ABBYY USA, ABBYY Software House and Lexmark International, Inc.  
8 on February 19, 2008 in the United States District Court for the Central District of  
9 California (the “Central District Action”). The Central District Action is pending  
10 before the Hon. A. Howard Matz.

11 3. Abbyy USA has moved to transfer venue of the Central District  
12 Action to this Court. A hearing on Abbyy USA’s motion was originally set for  
13 May 12, 2008. On May 8, 2008, the Court took off-calendar and under submission  
14 Abbyy USA’s motion.

15 4. Abbyy USA served the complaint in this action on May 6, 2008.

16 5. Pursuant to the Court’s Case Management Schedule, the Court has set  
17 May 29, 2008 as the Case Management Conference.

18 6. The parties believe that if the Central District Action is transferred to  
19 this Court as requested by Abbyy USA, then it should be consolidated with this  
20 action, and if the Central District Action is not transferred, this action will be  
21 dismissed without prejudice.

22  
23 WHEREFORE, the parties stipulate as follows:

24 To continue the Case Management Conference from May 29, 2008 to July  
25 10, 2008 to provide the Central District with an opportunity to rule on Abbyy  
26 USA’s Motion to Transfer Venue;

27 To continue Nuance’s last day to respond to the Complaint until twenty days  
28 after the issuance of a ruling from the Court in the Central District Action as to

1 whether Abbyy USA's Motion to Transfer Venue is granted or denied.  
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3 SO STIPULATED:  
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6 Dated: May 13, 2008

7 FOLEY & LARDNER LLP  
8 GRANT E. KINSEL

9 By: /s/ Grant Kinsel \_\_\_\_\_  
10 GRANT E. KINSEL  
11 Attorneys for Plaintiff  
12 Abbyy USA Software House, Inc.

13 Dated: May 13, 2008

14 WILSON SONSINI GOODRICH &  
15 ROSATI, P.C.  
16 TUNG-ON KONG

17 By: /s/ Tung-On Kong \_\_\_\_\_  
18 TUNG-ON KONG  
19 Attorneys for Defendant  
20 Nuance Communications, Inc.

## **PROOF OF SERVICE**

I am employed in the **County of Los Angeles, State of California**. I am over the age of 18 and not a party to this action; my current business address is **555 South Flower Street, Suite 3500, Los Angeles, CA 90071-2411**.

**On March 19, 2008, I served the foregoing document(s) described as: on the interested parties in this action as follows:**

## BY THE FOLLOWING MEANS:

I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Terry Kearney  
Julie M. Holloway  
WILSON SONSINI GOODRICH & ROSATI, PC  
650 Page Mill Road  
Palo Alto, CA 94304-1050

Attorneys for Plaintiff  
Nuance Communications, Inc.

Tung-On Kong  
WILSON SONSINI GOODRICH & ROSATI, PC  
One Market Street  
Spear Tower, Suite 3300  
San Francisco, CA 94105-1123

Attorneys for Plaintiff  
Nuance Communications, Inc.

Eugene A. Feher  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, MA 02111

Attorneys for Defendant  
Lexmark International, Inc.

BY MAIL.

I placed the envelope(s) with postage thereon fully prepaid in the United States mail, at **Los Angeles, California**.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; the firm deposits the collected correspondence with the United States Postal Service that same day, in the ordinary course of business, with postage thereon fully prepaid, at **Los Angeles, California**. I placed the envelope(s) for collection and mailing on the above date following ordinary business practices.

BY FACSIMILE.

I transmitted the document(s) by facsimile transmission from a facsimile transmission machine, at **Los Angeles, California**, with the telephone number, **213.486.0065**, to Click and Type Name whose facsimile transmission telephone number is Click and Type Number .

1       — I am readily familiar with the firm's practice for delivery by facsimile  
2 transmission: the firm transmits the document(s) from a facsimile  
3 transmission machine to the person to be served. I placed the  
4 document(s) in the place designated by the firm, at **Los Angeles,**  
5 **California**, for facsimile transmission to Click and Type Name whose  
6 facsimile transmission telephone number is Click and Type Number on  
7 the above date following ordinary business practices. The document(s)  
8 was transmitted from a facsimile transmission machine with the  
9 telephone number of **213.486.0065**.

10      The facsimile transmission was reported as complete without error by a  
11 transmission report, issued by the facsimile transmission machine upon which  
12 the transmission was made, immediately following the transmission.

13      — BY HAND DELIVERY. I delivered the envelope(s) **by hand** to addressee(s).

14      — **BY EXPRESS MAIL (Via United States Postal Service)**

15       — I deposited the envelope(s) in a facility regularly maintained by the United  
16 States Postal Service for receipt of Express Mail, with Express postage  
17 fully prepaid.

18       — I am readily familiar with the firm's practice for collection and processing  
19 of correspondence for Express Mail; the firm deposits the collected  
20 correspondence with a facility regularly maintained by the United States  
21 Postal Service for receipt of Express Mail that same day, in the ordinary  
22 course of business, with Express Mail postage thereon fully prepaid, at  
23 **Los Angeles, California**. I placed the envelope(s) for collection and  
24 Express Mailing on the above date following ordinary business practices.

25      — **BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)**

26       — I placed the envelope(s) in a box or other facility regularly maintained by  
27 Click and Type Name of Courier , or delivered the document(s) to a  
28 courier or driver authorized by the express service carrier to receive  
document(s), in an envelope(s) or package designated by the express  
service carrier, with delivery fees paid or provided for, at **Los Angeles,**  
**California**.

29       — I am readily familiar with the firm's practice for collection and processing  
30 of correspondence for delivery by Click and Type Name of Courier :  
31 collected packages are picked up by an express carrier representative on  
32 the same day, with the Airbill listing the account number for billing to  
33 sender, at **Los Angeles, California**, in the ordinary course of business. I  
34 placed the envelope(s) in an envelope or package designated by the  
35 express service carrier for collection and processing for express service  
36 delivery on the above date following ordinary business practices.

37      — Executed on **March 19, 2008**, at **Los Angeles, California**.

38      — I declare under penalty of perjury under the laws of the State of California  
39 that the above is true and correct.

40      — I declare that I am employed in the office of a member of the bar of this  
41 court at whose direction the service was made.

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Click and Type Name

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